

March 3, 2000

Mr. Robert C. Thompson, P.E.  
Director, Dept. of Public Works  
Henrico County  
Post Office Box 27032  
Richmond, VA 23273

**RE: Fencing in the Resource Protection Area**

Dear Mr. Thompson:

The Department has considered Keith White's recent request regarding the requirements of the Chesapeake Bay Preservation Act as it relates to the construction of stockade-type fencing in the Resource Protection Area (RPA). Mr. White's concern was related to the fact that tall, stockade-type fencing could potentially make it difficult for the County to observe maintenance problems or RPA violations.

Fences are considered accessory uses, and, since they are typically parallel and adjacent to property boundaries, may be intrinsically located along property lines, which in some cases traverse RPA buffers.

Fences also do not constitute significant areas of impervious surfaces and, therefore, if designed appropriately, do not impact the water quality functions of vegetated buffers. Other accessory uses (e.g., decks, porches, pools, and garages) are significant areas of impervious surfaces and also may not necessarily have to be located within the RPA buffer.

These other accessory uses are not allowed by right in the RPA buffer.

Fences should be designed so that they do not inhibit or alter surface flow. In order to maintain the functional value of the buffer, vegetation may only be removed to provide for the actual placement of the fence. In addition, any vegetation removed shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Standard setbacks for structures from property lines may also apply for fencing.

Stockade-type fences should be able to meet the same standards applied for other types of fencing. While it may make it more difficult to readily observe the full extent of the RPA buffer, the placement of stockade-type fencing should not prevent the County from enforcing the buffer

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requirements. Should the County feel that the RPA buffer is unduly disturbed on a property with a stockade fence, a site visit could be conducted to fully determine the status of the buffer.

I hope this response clarifies the Department's opinion and proves helpful to the County in resolving this issue. If I can be of further assistance, or if you have any questions or concerns, please contact me at (804) 786-1801.

Sincerely,

Laura Edmonds  
Principal Planner

c: Keith White, Environmental Engineer, Henrico County  
Shepard Moon, Chief of Environmental Planning, CBLAD